

**MINUTES
BOROUGH OF LAVALLETTE
REGULAR MEETING
OF THE PLANNING BOARD
Wednesday, December 8, 2021 – 7:30 P.M.**

Roll Call: Anthony Cataline - present
Robert Brice - present
John Borowski – present
Len Calderaro - present
Joanne Filippone - present
Vincent Marino - present
Joseph Palinsky - present
Thomas Restaino - present
George Shenewolf - present

Richard Emery - present
Alex Barletta - present

Also Present: Terry Brady, Esq.
Millis Looney, Eng.

Flag Salute: Mr. Cataline

Public Notice Announcement:

This is the Borough of Lavallette Planning Board Regular meeting of December 9, 2021. Adequate notice of this meeting has been given as required by Chapter 231 Public Law 1975, commonly known as "The Sunshine Law." The date, time and place of this meeting was posted on the bulletin board located in the Borough Hall Planning Board office at 1306 Grand Central Ave., filed with the Borough Clerk, and supplied to the official Borough newspapers, the Ocean Star and the Asbury Park Press.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

Public Hearing:

Kristin Rocco, Borough Floodplain Manager, joined the panel for the Appeals portion of the meeting.

Substantially Damaged Determination:

Appeal Case # 015 – 235 Westmont Ave. – James Peeney (Mr. Cataline recused himself from this hearing, Mr. Borowski was acting Chairman, and Mr. Emery sat in for Mr. Cataline.)

Michele Donato, Esq., applicants' attorney, introduced Eric Birchler, State certified Real Estate Assessor, 1503 Grand Central Avenue, Lavallette, NJ. Mr. Birchler explained how he calculated the re-assessed value of \$225,045. Mrs. Donato supplied supporting documents showing repair costs to be \$90,445 proving that the home was not substantially damaged. A motion was moved to grant this appeal by Mr. Brice and was seconded by Mr. Palinsky. Roll Call vote: Brice, yes; Palinsky, yes; Shenewolf, yes; Borowski, yes; Calderaro, yes; Filippone, yes; Restaino, yes; Emery, yes. Mr. Marino abstained.

Appeal Case # 014 – 2300 Oceanfront – Edith Lenart – (Mr. Cataline returned to the panel.)

Mrs. Donato represented the applicant and told the Board that since Mrs. Lenart did not have flood insurance, it was difficult and time-consuming to track the repair costs after hurricane Sandy. However, the Board accepted the evidence provided showing costs of \$93,400 and the re-examination of the market value at \$198,767. A motion was moved to grant this appeal by Mr. Borowski and seconded by Mr. Calderaro. Roll Call vote: Borowski, yes; Calderaro, yes; Shenewolf, yes; Brice, yes; Filippone, yes; Marino, yes; Palinsky, yes; Restaino, yes; Cataline, yes.

Appeal Case # 013 – 101 Pennsylvania Ave. – Gary & Monica McMillan

Mrs. Donato, applicants' attorney, described the property as condominium ownership, however the only common area is the land, not the houses themselves. She further testified that the applicants returned the REM money they received. Proof of repair costs of \$57,380 and the re-calculated market value of \$130,256 was accepted. A motion was moved to grant this appeal by Mr. Cataline, seconded by Mr. Borowski. Roll call vote: Cataline, yes; Borowski, yes; Shenewolf, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Palinsky, yes; Restaino, yes.

Appeal Case # 020 – 72 Pershing Blvd. – Joyce Schug

Mrs. Donato represented the applicant and testified that the applicant did not have flood insurance. Therefore, the costs of repairs had to be reconstructed, and the Board accepted the supporting documents showing these costs to be \$43,367. The market value at the time of hurricane Sandy was recalculated to be \$309,207. A motion was moved to grant this appeal by Mr. Palinsky, seconded by Mr. Borowski. Roll call vote: Palinsky, yes; Borowski, yes; Shenewolf, yes; Brice, yes; Calderaro, yes; Filippone, yes; Marino, yes; Restaino, yes; Calderaro, yes.

Mrs. Rocco left the meeting.

Resolutions to be Memorialized:

Application # 02-2021 – Michael H. Poole, 127 Elizabeth Ave., Block 61, Lot 10 – Expansion to non-conforming use – denial

Michele Donato, Esq., requested that the Board postpone the adoption of this variance until the January 5, 2022, meeting. Mr. Brady instructed members that this request for postponement was not a request for reconsideration. He further stated that we could vote to postpone in order to give counsel the courtesy to review the application. A motion to grant the postponement to the January 5, 2022, meeting was made by Mr. Marino and seconded by Mr. Brice. Roll call vote: Marino, yes; Brice, yes; Calderaro, yes; Restaino, yes; Cataline, yes. Mr. Borowski abstained. Motion carried.

Application # 04-2021 – Stacy & Gerald Donegan, 23 Elizabeth Ave., Block 23, Lot 28 – Construction of a Third-story Deck – denial

Alexandra Earhardt, applicants' attorney, presented 18-pages of color slides prepared by John E. Freeman, Engineer and Mark Marcille, Architect. Ms. Earhardt pointed out that the new construction will eliminate all pre-existing non-conformities.

John Freeman, PE, CME, with Najarian Associates, One Industrial Way West, Eatontown, NJ, presented his credentials, which were accepted by the Board. Both he and Ms. Earhardt reviewed the Van Cleef Engineering review letter dated November 18, 2021.

Mark Marcille, Architect, of 308 SE Central Ave., Seaside Park, NJ, was sworn in and credentials were accepted. He gave details about the design of the new home outlining the size of the third-

story deck and the access via staircase from the second-story deck.

There was discussion regarding:

- Placement of condensers are planned for under the staircase.
- Number of bedrooms proposed
- Sufficient parking
- Curb cut pre-existing
- Driveway length

Dr. Stacey Donegan, owner of 23 Elizabeth Ave., resides at 14 Woodland Road, New City, NY, was sworn in and told the Board that she has owned her Lavallette home for eleven years. She has been renting the property and also using it for family vacation.

Mrs. Filippone informed Dr. Donegan that third-story decks are illegal in Lavallette.

Chairman Cataline opened the hearing for public comment at approximately 9:35 p.m.

Jack Traina, Attorney, of 162 Valley Blvd., Woodridge, NJ, representing John & Wendy Kopec of 2107 Grand Central Avenue, Unit 4, testified against the application.

George Ennesser, 24 Princeton Ave., testified in favor of the application.

Ms. Toni Cantalupo, 2107 Grand Central Ave., testified against the application.

The public portion of the hearing was closed for public comment at approximately 9:45 p.m.

Attorney Earhardt made her final summation to the Board stating that the variance application meets the C-2 criteria.

A motion to deny the application was made by Mr. Palinsky, seconded by Mr. Borowski. Roll call vote to deny: Palinsky, yes; Borowski, yes; Brice, abstain; Calderaro, yes; Filippone, yes; Marino, no; Restaino, yes; Shenewolf, yes; Cataline, yes. The application was denied.

Application # 05-2021 – Perry Lee, 22 Washington Ave., Block 14, Lot 25 – Construction of a Third-story Deck

Mr. Perry Lee, property owner, who resides at 8 Woodstone Rd., Morris Plains, NJ, was sworn in. Mr. Lee pointed out that from the front of the home you cannot see the deck at all. It is cut directly into the house and will measure approximately 14 X 15.

Brian Keller, applicant's builder, from 6 Paddock Circle, Lanoka Harbor, NJ, was sworn in to give testimony regarding the proposed construction.

There was discussion regarding:

- Deck access
- Location of condensers/generator
- Side yard setback not conforming

Chairman Cataline opened the meeting for public comment at approximately 10:03 p.m.

Brian Moran of 20 Washington Ave., and 1050 Westbrook Rd., Milford, NJ, spoke in favor of the application.

The public portion of the meeting was closed at approximately 10:05 p.m.

A motion to deny this application was moved by Mr. Borowski, seconded by Mr. Calderaro. Roll call vote to deny: Borowski, yes; Brice, yes; Filippone, yes; Marino, yes; Palinsky, yes; Restaino, yes; Shenewolf, yes; Cataline, abstain. The application was denied.

Discussion:

New Business:

The Board requested that the Re-Organization Meeting scheduled for January 5, 2022, start at 6:00 p.m. The Board secretary will provide appropriate notice. Also, the November 9 meeting and the December 14, 2022, meetings will start at 7:30 p.m.

Review & Approval of Minutes:

A motion was made by Mr. Borowski, seconded by Mrs. Filippone to accept the minutes of the Regular Meeting of December 8, 2021, with all who were present at the meeting voting in favor.

Adjourn:

A motion to adjourn was made by Mr. Borowski, seconded by Mrs. Filippone. The meeting was adjourned at approximately 10:25 p.m.

Respectfully submitted,

Joyce Deutsch, Secretary